

J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
cchoons@righthaven.com
Assistant General Counsel at Righthaven
JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
jchu@righthaven.com
Staff Attorney at Righthaven
Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
(702) 527-5900
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

P.O.W. NETWORK, a not-for-profit Missouri
corporation; and CHARLES P. SCHANTAG,
an individual,

Defendants.

Case No.: 2:10-cv-01480

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against P.O.W. Network (“P.O.W. Network”) and Charles P. Schantag (“Mr. Schantag”; collectively with P.O.W. Network known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

4. P.O.W. Network is, and has been at all times relevant to this lawsuit, a not-for-profit Missouri corporation.

5. Mr. Schantag is, and has been at all times relevant to this lawsuit, identified by the Office of the Missouri Secretary of State as the president of P.O.W. Network.

6. P.O.W. Network is, and has been at all times relevant to this lawsuit, identified by the current registrar, Network Solutions, LLC (“Network Solutions”), as the registrant of the Internet domain found at <pownetwork.org> (the “Domain”).

7. Mr. Schantag is, and has been at all times relevant to this lawsuit, identified by Network Solutions as the administrative contact and technical contact for the Domain (the content accessible through the Domain and the Domain itself known herein as the “Website”).

8. P.O.W. Network is, and has been at all times relevant to this lawsuit, responsible for all content found on the Website, as evidenced by the following posting found on the Website: “Web content is solely the responsibility of the POW NETWORK. While information may be received and posted from individuals, or information solicited from experts, no posting is made without review by the POW NETWORK. The POW NETWORK reserves the right to edit notes from experts, post portions of transcripts/news articles or post notes from phone conversations.”

JURISDICTION

9. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

10. Righthaven is the owner of the copyright in the literary work entitled: “Free speech defense used in Stolen Valor case” (the “Work”), attached hereto as Exhibit 1.

11. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

1 12. The Defendants willfully copied, on an unauthorized basis, the Work from a
2 source emanating from Nevada.

3 13. On or about March 2, 2010, the Defendants displayed, and continue to display, an
4 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
5 Website.

6 14. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
7 original source publication as the Las Vegas *Review-Journal*.

8 15. The subject matter, at least in part, of the Work and the Infringement, is a Las
9 Vegas man who was indicted in the United States District Court for the Southern District of
10 Nevada for allegedly violating the Stolen Valor Act of 2005.

11 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
12 originally published in the Las Vegas *Review-Journal*.

13 17. At all times relevant to this lawsuit, the Defendants knew that the Infringement
14 was and is of specific interest to Nevada residents.

15 18. The Defendants’ display of the Infringement was and is purposefully directed at
16 Nevada residents.

17 19. The Defendants willfully copied, on an unauthorized basis, the literary work
18 entitled: “STOLEN VALOR ACT: Purple Heart claim challenged” (the “Purple Heart Article”),
19 attached hereto as Exhibit 3, from a source emanating from Nevada.

20 20. On or about October 30, 2009, the Defendants displayed, and continue to display,
21 the Purple Heart Article on the Website.

22 21. The Defendants’ display of the Purple Heart Article was and is purposefully
23 directed at Nevada residents.

24 22. The Defendants willfully copied, on an unauthorized basis, the literary work
25 entitled: “Veteran pleads not guilty” (the “Not Guilty Article”), attached hereto as Exhibit 4,
26 from a source emanating from Nevada.

27 23. On or about November 14, 2009, the Defendants displayed, and continue to
28 display, the Not Guilty Article on the Website.

1 deposit copy, and the registration fee (the "Complete Application"), Service Request No. 1-
2 403372572, attached hereto as Exhibit 6.

3 35. On or about March 2, 2010, the Defendants displayed, and continue to display,
4 the Infringement on the Website.

5 36. The Defendants did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 37. The Defendants were not granted permission, in any manner, to reproduce,
8 display, or otherwise exploit the Work.

9
10 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11 38. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 37 above.

13 39. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
14 U.S.C. § 106(1).

15 40. Righthaven holds the exclusive right to prepare derivative works based upon the
16 Work, pursuant to 17 U.S.C. § 106(2).

17 41. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
18 17 U.S.C. § 106(3).

19 42. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
20 U.S.C. § 106(5).

21 43. The Defendants reproduced the Work in derogation of Righthaven's exclusive
22 rights under 17 U.S.C. § 106(1).

23 44. The Defendants created an unauthorized derivative of the Work in derogation of
24 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

25 45. The Defendants distributed, and continue to distribute, an unauthorized
26 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
27 17 U.S.C. § 106(3).
28

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding the Defendants' use of the Work; and

c. All financial evidence and documentation relating to the Defendants' use of the Work;

3. Direct Network Solutions and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this thirty-first day of August 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
Attorneys for Plaintiff